

**RESULTS OF THE EXPERT SEMINAR  
21 - 23 APRIL 2008 IN EUPEN, BELGIUM**

# FINAL REPORT



INTERREG III A PROGRAMME  
OF THE EUREGIO MEUSE-RHINE (EMR)

NETWORK OF COMPLEX BORDER REGIONS

Preface	3
.....	
<b>1. INTRODUCTION</b>	<b>4</b>
1.1. Project goals	4
1.2. Types of complex regions	5
.....	
<b>2. CHALLENGES OF COMPLEX REGIONS</b>	<b>6</b>
2.1. Empirical Base	6
2.2. Choice of Themes for the Expert Seminar	9
2.3. Central Questions for the Workshops	9
.....	
<b>3. RESULTS OF THE 21 – 23 APRIL 2008 EXPERT SEMINAR IN EUPEN</b>	<b>10</b>
3.1. Workshop 1: Cooperation structures	10
3.1.1. Background	10
3.1.2. Introductory presentations	11
3.1.3. Forms of Cooperation	12
3.1.4. Legal instruments and the EGTC	15
3.1.5. The new programming period (2007-2013) and the legal framework for “European Grouping of Territorial Cooperation”	18
3.1.6. Outlook and Recommendations	19
3.2. Workshop 2: Tourism and Regional Development	20
3.2.1. Background	20
3.2.2. Introductory presentations	21
3.2.3. Common structures for developing tourism	22
3.2.4. Common visions	22
3.2.5. Common products	22
3.2.6. Joint marketing	23
3.2.7. Recommendations	23
3.3. Workshop 3: Public Transport and Spatial Development	24
3.3.1. Background	24
3.3.2. Introductory presentations	24
3.3.3. Reasons and objectives for cross-border cooperation in public transport	25
3.3.4. Opportunities and challenges	26
3.3.5. Problems of cross-border public transport	26
3.3.6. Approaches for solving such problems	26
3.3.7. Recommendations	27
3.4. Workshop 4: Cross-border Healthcare	28
3.4.1. Background	28
3.4.2. Introductory presentations	29
3.4.3. Assessments	30
3.4.4. Conclusions	30
3.4.5. Recommendations	31
.....	
<b>4. CONCLUSIONS AND PERSPECTIVES</b>	<b>32</b>
4.1. Managing complexity	32
4.2. Put complex border regions onto the map	33
4.3. Complex border regions as test-beds for cross-border cooperation in Europe	34

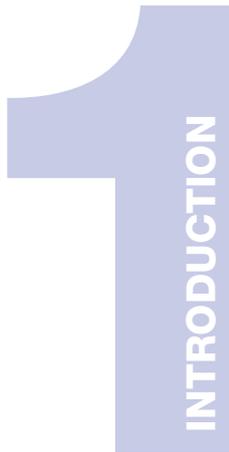
The idea of establishing a network of complex border regions for the purpose of exchanging experiences in an organized and structured manner was conceived in the reality of working in a cross-border environment as found in Belgium's German Speaking Community (GSC). The idea was quickly taken up by a number of such areas in Europe. Due to its size and its geographical position at the intersection of state, linguistic and cultural boundaries, cross-border cooperation is an absolute must for the GSC. At the same time the GSC forms part of two cross-border cooperation regions – the Euregio Meuse-Rhine (EMR) on the one hand, and the “Greater Region Saar-Lor-Lux” on the other. In both regions cross-border cooperation is part of daily life. But the high mobility in these border regions also gives rise to a number of problems associated with the incompatibility of different administrative and legal systems.

The challenges grow in size when more than two states, languages, cultures and legal systems come together. In putting a focus on a certain number of border regions where such particularly complex situations are to be found, nearly every type of cross-border problem in Europe can be experienced and documented. But this is also the place where solutions for such problems are first developed, often in a painstaking process of trial and error, sometimes only with partial success, but always in a down-to-earth manner. The people living in such border regions know exactly where the problems are. This is why such border areas represent a microcosm of European integration. At the same time attention has to be paid to maintaining the focus on cross-border cooperation and the networking of border regions as one of the key areas of European politics. Looking beyond the end of the current Structural Fund period in 2014, it is a matter of convincing the European Commission, the European Parliament and the Council of Ministers that there will still be specific challenges concerning Europe's internal and external borders after 2014 that will need to be resolved. Taking into account the current work of the Association of European Border Regions (AEBR) and the focal points set both within the European Union and within the European Council, there is a clear necessity for showing how to structure solution approaches.

The goal of the "Network of complex border regions" is to link together a certain number of border regions. The project started at the end of the previous funding period within the framework of the INTERREG IIIA Programme of the Euregio Meuse-Rhine. The project's centre-piece was an expert seminar that took place on 21 – 23 April 2008 in Eupen (Belgium) and brought together experts from ten different cross-border cooperation regions from the whole of Europe to swap experiences and best practices. There were four focal areas in which cross-border cooperation was spotlighted: structures for cooperation, cross-border healthcare, cross-border public transport, as well as tourism and regional development. This report is the concrete result of this seminar.



Karl-Heinz Lambertz  
Minister President of the German Speaking Community of Belgium



## 1.1. PROJECT GOALS

Since its foundation in 1976, the Euregio Meuse-Rhine (EMR) has gained a wide range of experience in working in a complex border region. It would like to share this information with other border regions also facing similar complex situations. Within the INTERREG IIIA framework the EMR initiated a project aimed at networking these regions. The project is coordinated by the German Speaking Community of Belgium. The main goal is to sound out opportunities for cooperation, exchange of experience and networking. First phase tasks include in particular analyses of comparable situations and topics of common interest. The project's centrepiece is a three day seminar which took place on 21 – 23 April 2008 at the EMR's headquarters in Eupen.

In defining complex border regions, different problem areas with which such regions are confronted have to be taken into account. These include geographical/territorial, constitutional/institutional and language and cultural dimensions. From a geographical/territorial point of view at least three countries with common borders should be involved. If no common border exists there should at least be a strong sphere of influence among them. The countries involved have major constitutional/institutional differences, sometimes extending to differing competencies of the various governmental levels concerned (system differences). Although such regions have common political and cultural backgrounds, cross-border relations are hampered by language differences. Such aspects led to the following criteria being used in the selection of potential network partners: more than two countries, a relative high number of (sub)regions, more than two languages, different types of borders (internal/external) and various social, economic and cultural stakeholders with differing competencies.

1 Population, size, languages, borders, scale level, members, main stakeholders, type of cooperation, competencies, year of foundation, legal form, historical and cultural conditions.

2 Defined priorities for cooperation, extent of cross-border commuting, possible common challenges and concrete themes.

## 1.2. TYPES OF COMPLEX REGIONS

Tübingen University's European Centre for Research on Federalism (ECRF) was commissioned by the Government of the German Speaking Community of Belgium to compile a study on "complex border regions". Using 14 characteristics<sup>1</sup> the ECRF analysed 19 border regions, formulating for each of them their level of complexity in qualitative terms. On the basis of a set of five aspects<sup>2</sup> a number of complex regions were selected as potential cooperation partners for this network.

The following ten partners regions were finally established:

- |   |           |
|---|-----------|
| 1) Euregio Meuse-Rhine (B-D-NL)                               | - EMR     |
| 2) Greater Region SarLorLux (B-D-F-L)                         | - GRSL    |
| 3) Upper Rhine Conference (D-F-CH)                            | - ORK     |
| 4) Lake Constance Conference (Bodenseekonferenz) (A-CH-D-LI)  | - BSK     |
| 5) Euregio Bavarian Forest-Bohemian Forest-Lower Inn (A-CZ-D) | - BBU     |
| 6) Euregio Neisse (CZ-D-P)                                    | - EN      |
| 7) Euregio Weinviertel (A-CZ-SL)                              | - EW      |
| 8) Euregio Pomerania (D-P-SW)                                 | - EP      |
| 9) ARGE Alps-Adriatic (A-HR-HU-IT-SI)                         | - ARGE AA |
| 10) Adriatic-Alps-Pannonia <sup>3</sup> (A-HR-HU-IT-SI)       | - AAP     |

These cross-border cooperation areas can be subdivided into three groups: the group of Euroregions along the "old" internal EU borders including the Belgian, Dutch, French, German, Luxemburg and Swiss (no. 1 - 4) borders, the Central European group along the borders between the old and new Member States (no. 5 - 8) and a third group with two large and partially overlapping regions along the borders of old, new and potential Member States (no. 9 and 10).

Another characteristic is that the border regions in the group first mentioned share common Operational Programmes for cross-border cooperation (INTERREG), while all Operational Programmes of the second and third groups are bilateral and in some cases financed out of different EU funds (ERDF and IPA<sup>4</sup>). It should further be mentioned that the EMR is the only Euregio acting as managing authority for an INTERREG programme. Of the two large overlapping areas the ARGE Alps Adriatic has already been in existence for several decades, while the AAP region is still in the process of being established.

In the course of time different terms have developed to denote cross-border cooperation areas: border regions, Euregios, Euroregions, European Regions, European Districts, etc. The term "Euregio" covers two important dimensions: it defines both a geographical area - a region - as well as a trans-national organisation. Euroregions and European Regions represent self-defined cross-border links. They do not see themselves as a new administrative level, but as a bottom-up initiative on the level of regional and local actors. For reasons of simplicity, the term "Euroregions" will be used as a generic term for all forms of cooperation in this report.

<sup>3</sup> Based on INTERREG IIIB project MATRIOSCA.

<sup>4</sup> European Fund for Regional Development (ERDF) and Instrument for Pre-accession Assistance (IPA)

# 2

## CHALLENGES OF COMPLEX REGIONS

### 2.1. EMPIRICAL BASE

As part of the preparations for the expert seminar in April 2008 a questionnaire was sent by the GSC to all potential partners with the aim of gaining a better understanding of the general conditions and the priorities of the border regions concerned.

The questionnaire contained questions on the importance, structure and present state of the cooperation as well as problems and challenges with regard to the following subjects:

- 1) Security and Catastrophe Management
- 2) Tourism and Culture
- 3) Innovation and Cluster
- 4) Healthcare Policy
- 5) Language Competency
- 6) Public Transport Systems

The results for each subject are summarised below:

#### 1) SECURITY AND CATASTROPHE MANAGEMENT

Eight out of the ten partners regarded this subject as important for their border region. They had established cooperation structures ranging from ad hoc working groups (in most regions) to structured solutions (in EMR, BBU and ARGE). A major hurdle for cross-border cooperation in this area is the incompatibility of the operating framework on a national level. The grounds stated include major differences in responsibility, the incompatibility of legal and technical systems and communication problems. In addition different levels of education and language problems prevent the establishment of common strategies and cooperation structures for catastrophe management in most cases. The main challenges for the future included improving the cross-border coordination of the players involved, improved communications, intensifying cross-border networks, a better coordination in the case of catastrophes, exchange of information on “hot topics” and joint exercises. The countries, regions and sub-regions involved should work out a common vision in this area. Any increase in the exchange of information regarding the experiences of the partners in this area would be welcome.

## 2) TOURISM AND CULTURE

This subject is relevant for all partner regions and has led to the establishment of cooperation structures – mainly in the form of (ad hoc) working groups with all involved players. All regions have developed joint initiatives and/or conducted joint projects. The main problems and potential bottlenecks were seen to be the competition between the individual sub-regions in border areas, responsibilities on various levels, differences in organisational structures, and different focuses. The project steering group added the need for long-term initiatives, the lack of attention paid to the needs of potential customers, psychological barriers, as well as differences in the spending power of the local authorities and regions involved. The steering group stressed the need for integrated concepts in the development of tourism, based on common resources and common strategies (e.g. the “European Spa World”). In addition there was more to do in the area of identical signposting of tourist routes and sites in border areas. Further challenges mentioned concerned the need to coordinate tourist offerings and the relations between tourism and regional development, and the need for long-term initiatives for tourism and the establishment of common identities.

## 3) INNOVATION & CLUSTER

Although this subject was seen to be relevant by all partners, the required cooperation structures are by no means well-developed. There are a number of good ideas and some promising initiatives and measures. Problems connected with cultural and language differences are often mentioned. The differences in the tax and legal systems that often prevent concrete long-term measures were top of the list. Measures were conducted more on a bilateral level than multilaterally. Nevertheless this subject is seen as important by all partners. Challenges are also defined by all partners. All are convinced that their regions have the universities and institutions at their disposal to offer valuable synergies for the whole border region. It was seen as important to develop mutual trust and promote direct contacts between the universities and institutions with an aim to linking up existing initiatives and coordinating regional interests. Joint fairs, improved communication and exchange of experience as well as the potential joint location management were mentioned as possible measures.

## 4) HEALTHCARE POLICY

All partners see this subject as relevant for cross-border cooperation. Some have already made considerable progress (EMR and ORK), others have started cooperation in certain areas. There are only a few border regions that are only now beginning to look at this area. Differences concerning national legislation are cited in most border regions as one of the major problems. But such aspects as different way of funding healthcare, health insurance and different administrative structures are also seen as bottlenecks. The challenges are to get (university) hospitals working more together, to establish common care structures in a number of areas and to improve the exchange of information (for example with regard to epidemiological data).

## 5) LANGUAGE COMPETENCIES

This subject is also seen to be relevant by nearly all partners, though there are differences in the amount of importance attached to it. It is in principle a subject affecting all areas. Each region is trying to get come to terms with this problem in its own special context. Measures and experience relating to this problem is mainly to be found in the partner regions in the Western EU countries. As language competency is an obvious hurdle to any cross-border cooperation, there are few specific problems mentioned in the questionnaire answers. In some border regions multilingualism is seen as a basic prerequisite for promoting cross-border mobility (e.g. cross-border jobs or customer behaviour) and could play a significant role in the development of a border region’s common identity. The challenges include the need for funding, a greater focus in teacher training in the countries concerned, enhanced coordination between educational facilities and the promotion of intercultural understanding.

#### 6) PUBLIC TRANSPORT SYSTEMS

Public transport systems also play an important role in all regions. If public transport does not function well, the development and progress of cross-border mobility and cooperation are hindered. This is another area where the two border regions EMR and ORK are already in action to improve conditions for good connections between the sub-regions and access to their region as a whole. The main problems hindering measures for joint connections, interoperability and common pricing schemes regard national regulations and technical standards. Spatial development problems are another hurdle to be overcome in the implementation of cross-border or trans-national transport systems and inter-modal networks. The steering group also brought up the subjects of differences in connection with responsibilities and a lack of information and coordination as significant hurdles to cross-border cooperation in this area. Improvements in integrated spatial planning on a local and regional level, euro-regional strategies and plans for public transport systems, coordination in ascertaining the infrastructure needs in border regions and common pricing schemes are all seen as possible solutions. A number of challenges were stated in the questionnaire answers, ranging from the improvement of cross-border job markets and transport connections using multi-modal networks, to the improved links to European transport networks and the removal of the barriers impeding the creation of euro-regional transport systems.

## **2.2. CHOICE OF THEMES FOR THE EXPERT SEMINAR**

As part of the preparations for the seminar, an initial work meeting involving representatives of all Euroregions concerned was held in February 2008. In the course of this meeting the following four themes that were to be looked at in depth during the expert seminar were selected on the basis of the questionnaire results:

- 1) Cooperation structures/Multi-Level-Governance
- 2) Tourism/Regional Development
- 3) Spatial development and Transport
- 4) Healthcare/Emergency Services

In addition to these main themes, a number of further subjects of transversal and overriding importance were identified. These horizontal themes concern:

- 1) The structure of cross-border cooperation
- 2) The problems in connection with multi-level governance
- 3) Language problems



### **CENTRAL QUESTIONS FOR THE WORKSHOPS**

The following questions were dealt with in depth in the subject matter workshops that were part of the seminar:

- 1) What are the reasons for cross-border cooperation and what are its objectives?
- 2) What are the possibilities for cooperation and what are the challenges?
- 3) What are the problems and hurdles hindering cooperation? Which players are to be involved to resolve such problems? How can such players be effectively engaged?
- 4) Which solutions have been found up to now to resolve such problems and which methods have been used (best practices)?
- 5) Which role can be played by the Euroregions in this respect and which solutions can be supported through INTERREG?

## 3

## RESULTS OF THE 21- 23 APRIL 2008 EXPERT SEMINAR IN EUPEN



### 3.1. WORKSHOP 1: COOPERATION STRUCTURES

#### 3.1.1. BACKGROUND

Due to the different administrative and political structures and legal systems, and the different responsibilities of the political levels involved, efficient and effective cross-border cooperation is often hard to achieve. In complex border regions, cross-border cooperation provides partners with even more challenges due to the fact that such regions are composed of a great number of local authorities with different politico-administrative roots and very different cultural and socio-economic structures.

The intensification and optimisation of cross-border cooperation is a major factor influencing such regions' capacity to increase their own growth potential. It is also important to reach joint decisions on measures, which, provided they are executed efficiently and effectively, will lead to socio-economic development in the region and at the end of the day to a strong European Union with evenly spread prosperity.

On the basis of three introductory presentations the "cooperation structure" workshop dealt with the following questions:

- 1) Forms of cross-border cooperation, including the variables influencing the success of Euroregions;
- 2) Legal forms encompassing the different forms of cross-border cooperation and their effect on cross-border cooperation, including the new legal instrument for facilitating cross-border cooperation: the European Grouping of Territorial Cooperation (EGTC);
- 3) The 2007-2013 programme planning period and the legal framework for European territorial cooperation

### 3.1.2. INTRODUCTORY PRESENTATIONS

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*a. Complex multi-level systems transgressing borders – conditions and perspectives*

Dr. Johannes Maier, Master in European Integration und Regionalism, Carinthia State Government

In his lecture, Mr. Maier looked at the question of institutionalisation and the organisational structure of cross-border cooperation in all its forms within the wider context of internal and external influences on its establishment, administration and self development. The starting points for the discussion are the barriers with which the players and stakeholders are confronted, and their expectations. What are the critical success factors with proven validity with regard to objectives and tasks and contributing to the overall success of cooperation? At the centre is the question whether and to what extent the new European legal instrument, the European Grouping of Territorial Cooperation (EGTC), fulfils the demands of the success factors, in particular from the perspective of regional authorities.

*b. RECOM – Regional Cooperation Management linking Lower Austria with the Czech Republic, Slovakia and Hungary*

Dr. Hermann Hansy, Regional Management of Lower Austria – Weinviertel-Büro

Cross-border programmes belonging to the 2007-2013 European Territorial Cooperation programme bring a number of new challenges and changes both in the current programme and in its administrative and consultation structures to Lower Austria and its regions. Lower Austria is host of the administrative agency for the Austria-Czech Republic programme, Vienna for the Austria-Slovakia programme and the Burgenland for the Austria-Hungary programme. Each programme has a joint technical secretariat, in Brno, Vienna and Hungary respectively. They are to support all administrative agencies in the federal states in their administrative tasks and act as intermediaries. Due to the strict limitation to bilateral cross-border programmes and projects, the situation poses a significant challenge for Lower Austria. In spite of this complicated situation the involved local authorities, regions and investors should be offered a common standard with regard to information, consultation and implementation support, together with funding for small projects.

In its role as lead partner for the individual programmes, Lower Austria's regional administration has established three networking projects with the district councils in the Czech Republic, Slovakia and Hungary under the name of RECOM (Regional Cooperation Management). The objective is to create an institution for exchanging information and experience and to establish clear-cut interfaces for Regional Agencies, the Joint Technical Secretariat and for Technical Support.

*c. PONTIFEX – Method of overcoming differences between national administrative and legal systems*

Herr Hans Niessen, Task Force on Cross-border Commuting, Euregio Meuse-Rhine

The Lisbon strategy provides for the EU becoming the world's most dynamic and competitive knowledge society by 2010. One major hurdle to be overcome is the disparity between national legal systems. In spite of the successful harmonisation of European policies in many areas, there are still major differences in tax and social security systems, healthcare, residence rights, internal security and in the division of responsibility and power between administrations and agencies.

Although these problems are known, hardly any structural policy solutions have as yet been developed to remove or overcome these hurdles. The reason is that cross-border cooperation between regional and local authorities takes place with very limited competences. Most topic areas are sub-

ject to national or European legislation. Unfortunately the understanding for the special situation of internal border regions is not very developed. The PONTIFEX method is an attempt to build a bridge between these different competence levels.

In this case study the focus is on the problems affecting the promotion of cross-border job markets and mobility.

### 3.1.3. FORMS OF COOPERATION

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#### 3.1.3.1. ASSUMPTIONS

Cross-border cooperation is often based on historical or cultural links and mirrors the strong common territorial interests which exist in the area in which cooperation takes place. At present cross-border cooperation takes place at both the internal borders of the European Union (internal cross-border cooperation) and the EU's external borders with third countries (external cross-border cooperation).

A country's politico-administrative organisation has an influence on the amount of power different governmental levels have with respect to cross-border cooperation. In countries with a strong central government, the national governments play a decisive role in cross-border cooperation. In countries with a regionalised or federal structure, cross-border cooperation takes place on a decentralised basis, meaning that decisions regarding cross-border cooperation are left to the regional and local authorities.

In the wider context of decentralised cross-border cooperation a number of prevalent organisational subcategories can be found in practice:

- cross-border activities on an ad hoc project level where two or more regions cooperate for specific purposes. This is a problem-related form of cooperation that can cease to exist when the problem has been solved.
- cooperation aimed at long-term, strategic development. This form of cooperation is seen as being the most sustainable. It can emerge from successful cross-border ad hoc activities.

Within the framework of strategic cross-border cooperation, the most commonly found forms of organisational structures are "Euregios", often created as dedicated legal entities with several partners and with extensive capacities; "associations" based on working agreements and with limited capacities; and other formal or informal institutional agreements entered into for the purpose of managing INTERREG and other EU programmes, often without a clearly defined legal status and with more or less integrated structures.

"Euregios" might be organised differently and have different legal bases, but they are permanent bodies with an identity separate to that of their members. They have their own administrative, technical and financial resources and take their own legally binding decisions (e.g. Euregio Scheldemond (BE/NL), Euregio Benelux Middengebied (BE/NL), Euregio Rhine North-Meuse (NL/D), Euroregion Spree-Neiße-Bober (PL/D), Euroregion Silesia (PL/CZ)

According to a number of criteria, the Euroregions taking part in this project are to be seen as complex regions. The level of complexity varies in the ten participating cross-border regions, as it is dependent on the number and composition of the borders involved and the languages spoken. Some of them started out as ad hoc activities and developed into true regions of cross-border

cooperation, assuming responsibility for the administration of European programmes on cross-border cooperation (bottom-up development). On the East European borders in particular the Euregios were established in connection with the opportunities offered by INTERREG. Here new institutions had to be established, in particular in the East European countries, and developed on local and regional levels for administering the joint programmes (top-down development). Top-down structures could also lead to extended cross-border cooperation independent of European funding once the prerequisites are fulfilled.

A range of fundamental aspects promoting or hindering cross-border cooperation were ascertained:

Aspects strengthening cooperation	Aspects hindering cooperation
<ul style="list-style-type: none"> <li>■ A long tradition of and extensive experience in cross-border cooperation;</li> <li>■ Mutual trust and cooperation based in partnership and subsidiarity;</li> <li>■ A high level of “geographical proximity” between the partners in the cross-border areas;</li> <li>■ The presence of suitable connecting structures on a regional/local level for cross-border cooperation on a strategic or programme level;</li> <li>■ The existence of a common cross-border development concept or programme;</li> <li>■ The existence of purpose-related commitments or framework agreements (e.g. international treaties);</li> <li>■ The availability of funding programmes supporting cross-border activities.</li> </ul>	<ul style="list-style-type: none"> <li>■ Too little involvement of public, private and other civic players from the border area;</li> <li>■ Too little political will, especially on a national level, to overcome hurdles, for example through new national legislation or bilateral agreements</li> <li>■ Legal restrictions applying to local or regional authorities and enshrined in national legislation;</li> <li>■ Different structures and powers of the levels involved on both sides of the border;</li> <li>■ A lack of coordination/homogeneity between the different EU funding programmes for cross-border cooperation on the EU's external borders;</li> <li>■ Language barriers.</li> </ul>

There are five general factors influencing the success of any cooperation. These can be divided into two main categories:

- Three general factors relate to the “internal understanding” of cooperation. In practice, they are directly influenced by the local and regional authorities involved (“amount of tradition of / experience in cooperation as well as common activities based on partnership and subsidiarity”; “geographical proximity”; “the level of institutionalisation”).
- Two general factors relate to the “external conditions” in which cooperation takes place. Local and regional authorities have little say in such matters and passively accept them (“the existence of suitable legal frameworks”; “the availability of funding programmes supporting cooperation between regional authorities”).

In this respect, the results of cross-border cooperation are heavily dependent on the involvement and mutual trust of the participating players. The participation of citizens, experts from public institutions, academics, etc. is of decisive importance for the purposefulness, the ownership and consequently the long-term existence of cross-border cooperation. Any strengthening of the principle of partnership has the same effect internally (for example, involving other public stakeholders on a local, regional, national or European level) as externally (for example, involving all socio-economic stakeholders in the Euroregion). The involvement of the players and the responsible politicians gives credence to

the decision-making process.

Geographical proximity generally promotes frequent mutual contacts and breeds trust between the players. It leads to the reduction of company transaction costs, enables rapid growth of formal and informal contracts and favours a horizontal organisation of production in such regions.

The institutionalisation factor is of major importance for creating continuity. At some stage in time, long-term strategic cross-border cooperation requires constant and reliable organisation structures. Nevertheless such structures must be both the result of and the instrument for enhanced cooperation. Political will, common structures and common financial resources are more important than the legal status.

The availability of funding programmes supporting cooperation between regional authorities has a considerable influence on the whole development of transfrontier cooperation. For more than one decade the EU development programmes have played a strategic role in the creation and establishment of transfrontier links between local and regional administrations. Impulses for new initiatives which would normally have taken much longer are given by EU intervention, helping to strengthen and deepen existing cooperation. But EU funding can also have the disadvantage that all effort in the Euro-region is concentrated on its administration and deployment. To prevent EU funding becoming an end in itself, it is necessary to supplement the support of individual projects with long-term common concepts and strategies.

### 3.1.3.2. DISCUSSION RESULTS

- The citizen should be the focal point in all discussions concerning the structure of any cooperation.
- The results of cross-border cooperation are very dependent on the level of trust between those players and people involved. Measures aimed at reducing prejudice, such as intercultural exchange and learning the neighbour's language, are to be focused on.
- Another success factor involves the definition of joint tasks and common problem areas. Joint tasks do not only evolve from stringing together different sub-regional priorities.
- The presence of some form of political agreement and commitment is a key challenge for successful and long-term cross-border cooperation.
- Structures alone are not the key to success. They must be based on the ambitions of all involved, out of which emerge requirements with regard to the establishment of a joint secretariat and the allocation of financial resources and financing concepts.

## 3.1.4. LEGAL INSTRUMENTS AND THE EGTC

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### 3.1.4.1. ASSUMPTIONS

The shortcomings in the legal frameworks for decentralised cross-border cooperation and their negative effects on cross-border activities have led Member States to formulate and adopt a number of agreements facilitating cooperation between local and regional authorities on their borders.

The European Council's formulation and adoption of the "European Framework Convention on Cross-Border Cooperation between Regional Authorities" (Madrid 1980) and its "First Additional Protocol" (1998) were important milestones in creating suitable legal frameworks for decentralised cross-border cooperation. Though these were catalysts for a European-wide process of pro-

viding legal backing for a number of bilateral agreements on cross-border cooperation, there remained a requirement for a directly applicable European-wide legal instrument for decentralised cross-border cooperation.

The Member States have tried to cover the legislative gap by adopting one of the following three approaches:

- 1) Unequivocally allocating explicit domestic powers that allow regional and/or local authorities from one state to engage in decentralised cross-border co-operation with territorial authorities from neighbouring States;
- 2) Signing inter-state agreements on cross-border co-operation which create specific legal conditions and instruments for (2.1.) decentralised cross-border co-operation in a clearly defined field of activity or (2.2) for promoting decentralised cross-border cooperation over a larger range of different themes.
- 3) elaborating other legal instruments not explicitly designed for decentralised cross-border co-operation, but which are used in practice by territorial authorities for legally structuring their co-operation initiatives

Examples of specific agreements (2.1) signed and realised are: on a national level, the 1969 Agreement between Belgium, the Netherlands and Luxemburg on spatial planning; on a regional level, the 1976 Agreement between the German State of Baden-Württemberg and the Swiss Canton Schaffhausen on drainage projects; and on a mixed national-regional level, the 1977 Agreement between the German State of North-Rhine-Westphalia and the Netherlands on a cross-border national park.

The implementation of inter-state agreements or treaties promoting generalised cross-border co-operation on a broader range of themes (2.2.) has become the most “popular” approach for creating a suitable legal framework that can be directly applied by regional and local authorities of neighbouring states within a specific cross-border area. Examples are the 1962 Helsinki Treaty and the 1977 “Nordic Convention”.

Following the adoption of the European Council's Framework Convention (Madrid 1980), a larger number of inter-state agreements or treaties involving decentralised cross-border cooperation was reached. Examples are the “BENELUX” convention between the Netherlands, Belgium and Luxemburg, signed in 1986 and coming into effect in 1991; the Valencia Agreement between Spain and Portugal, signed in 2003 and coming into effect in 2004; and the Isselburg-Anholt Agreement between Germany and the Netherlands, signed in 1991 and coming into effect in 1993.

Legal instruments not specifically designed for decentralised cross-border cooperation (3) but used de facto by regional authorities for bilateral cooperation are mainly based on legal provisions found in the civil code of individual countries. In some cases they are based on Community law. Apart from national legal frameworks involving the possibility of establishing a private association, the only legal instrument on a Community level up to 2007 used de facto for decentralised cross-border cooperation was the “European Economic Interest Grouping” (EEIG).

With a view to minimising the difficulties Member States and especially regional and local authorities experience in initiating and managing cross-border cooperation with regard to national legislation and procedures, the European Commission has established the “European Grouping of Territorial Cooperation” (EGTC) a new, voluntary instrument governing cooperation on a Community level. The EGTC enables associations of regional authorities in different Member States without the

need for any prior international agreement ratified by the involved national parliaments. Member States must however give their approval for potential members within their borders to participate.

An EGTC is a legal entity established by agreement and possessing legal and contractual capacity. Member States, regional or local authorities, associations and other public bodies can be members of an EGTC.

The structure within which cross border cooperation takes place must not only guarantee liability and accountability. It is also important that the decisions taken by the cooperating bodies are legally binding for all cooperating partners and, with regard to their long-term effectiveness, do not compete but harmonise with any decisions taken by the political or administrative bodies responsible in the individual neighbouring countries.

The allocation of responsibilities (multi-level system) with regard to (cross-border) regional development is dependent on the politico-administrative organisation of a country and on the degree within which a Member State has managed to enable local and regional players to cooperate by signing the above-mentioned agreements.

The decision-making power with regard to the socio-economic development of the regions participating in cross-border cooperation may be on different administrative levels on either side of the border. It follows that the success of any cross-border cooperation is dependent on the degree to which the participating regions have decision-making powers in the areas or sectors of joint interest, where joint measures promoting the socio-economic development in a specified area are to be initiated. The activities of all administrative levels concerning the formulation and realisation of any development strategy in the cross-border regions must be coordinated and concerted for any initiative to be successful.

The following table shows the advantages and disadvantages of the legal instruments available:

	Status quo	Deficits	Development	Benefit
No legal personality	<ul style="list-style-type: none"> <li>■ ARGE Alps-Adriatic</li> </ul>	<ul style="list-style-type: none"> <li>■ Lack of political commitment</li> <li>■ No EU-resources</li> <li>■ No strategic projects</li> <li>■ No long-term obligation</li> </ul>	<ul style="list-style-type: none"> <li>■ EVTZ</li> <li>■ Programme management</li> </ul>	<ul style="list-style-type: none"> <li>■ Reduced bureaucracy</li> <li>■ Freedom of action</li> <li>■ Coordination</li> </ul>
Bodies under private law	<ul style="list-style-type: none"> <li>■ Euregio Meuse-Rhine</li> <li>■ Euregio Neißة</li> <li>■ Euregio Bavarian Forest</li> <li>■ Adriatic Euroregion</li> </ul>	<ul style="list-style-type: none"> <li>■ National restriction for partners</li> <li>■ Little legitimacy</li> <li>■ Voluntary</li> </ul>	<ul style="list-style-type: none"> <li>■ Univocal representation</li> <li>■ Search for an alternative legal personality</li> </ul>	<ul style="list-style-type: none"> <li>■ “One face to the customer”</li> <li>■ Voluntariness = Motivation factor</li> <li>■ All areas</li> <li>■ No disputes over responsibility</li> </ul>
Bodies under public law / bilateral agreements		<ul style="list-style-type: none"> <li>■ Dominating position of legislation of country of establishment</li> </ul>		<ul style="list-style-type: none"> <li>■ Single legislation with cross-border application</li> <li>■ Long-term framework</li> </ul>
EGTC	<ul style="list-style-type: none"> <li>■ Lille-Kortrijk-Tournai</li> </ul>	<ul style="list-style-type: none"> <li>■ Dominating position of legislation of country of establishment</li> </ul>	<ul style="list-style-type: none"> <li>■ Test Multi-level-governance</li> </ul>	<ul style="list-style-type: none"> <li>■ Binding character</li> <li>■ Liability</li> <li>■ Control</li> <li>■ Democracy</li> <li>■ Comparable in all 27 Member States</li> <li>■ Stable</li> <li>■ Long-term</li> </ul>

### 3.1.4.2. DISCUSSION RESULTS

- The choice of the (legal) instrument to be used is dependent on the clear-cut definition of the objectives and tasks of the cooperating association. o overcome the deficits in cross-border cooperation, the middle- and long-term trend is towards more legally-binding structures.
- The establishment of anEGTC is voluntary. The greatest benefit is achievable in cross-border regions, where cooperation has previously been hindered by the lack of a suitable instrument. But at the same time, an EGTC can only function efficiently and the financial and staffing effort involved can only be justifiable when it is established as a long-term body for a strategic purpose and not for any ad hoc cooperation.
- Following the removal of the legal hurdle regarding legally-binding decision-making, a new sociological problem may arise. Territorial cooperation is more a cooperative process than a controversial one. Experts are noticing that the cross-border cooperation players have a greater preference for the traditional approach based on partnership without legal ties.

### 3.1.5. THE NEW PROGRAMMING PERIOD (2007-2013) AND THE LEGAL FRAMEWORK FOR “EUROPEAN GROUPING OF TERRITORIAL COOPERATION”

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#### 3.1.5.1. ASSUMPTION

The current programming period 2007-2013 brought major changes with regard to cross-border cooperation. Following the incorporation of INTERREG into the existing wider structure for the implementation of Structural Instruments, the requirements concerning the implementation system for the Operational Programmes of the EGTC objective are now the same as those for the “Cohesion” and “Regional Competitiveness and Employment” objectives.

The requirement that a single Management Authority, Payment Authority, and Audit Authority need to be set up for each Operational Programme might have a positive impact on the programme management and the achievement of the proposed results; nevertheless it might as well hamper cross-border cooperation. On the other side, the central government seems present and powerful in the decision-making process around Operational Programmes preparation and setting up of the delivery system for these cross-border cooperation Operational Programmes. In the current programming period it can be seen that bilateral and trilateral programmes (especially on the old internal borders) are increasingly being integrated into multilateral programmes (e.g. in the Greater Region Sar-Lor-Lux).

The use of the EGTC for programme administration is optional. At present no EGTC has yet been established for the purpose of administering Structural Funds.

#### 3.1.5.2. DISCUSSION RESULTS

- There is a need to experiment, both with regard to the EGTC on a project level (in a first phase) and to the EGTC on a programme administration level (in a second phase). In both cases it is essential to define the concrete tasks to be fulfilled by the EGTC.
- A basic requirement for any experimenting is the existence of political support.
- The dissemination of any experiences gained while experimenting in the use of an EGTC is of central importance.

### 3.1.6. OUTLOOK AND RECOMMENDATIONS

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- The adoption of deeper-going structures goes hand in hand with the development of the fields of action, meaning that at the end of any such process an EGTC may be established. An EGTC can also be used for the continuing development of an existing scheme, especially in border areas where existing inter-state agreements have substantial deficits.
- The greater the complexity of a border region, the more there is a need for structuring the cooperation and giving it a binding character. Complexity can be answered or “managed” by binding agreements and structures.
- The ultimate goal is to speak with one voice. This requires common rules, common decision-making, a common budget and a common secretariat.
- Complex border regions should have a strategic concept, for example in the form of a common vision, underpinned by sectoral fields of action. It is of great importance to develop a mutual perspective and a common understanding of the complexity and the circumstances involved in the border region.
- Complex border regions should be in a position to establish and communicate “added value” and ownership. The results of any cross-border cooperation are very much dependent on the mutual trust established between the players and people involved and their identification with the vision and strategic objectives.
- Complex border regions need to establish democratic legitimacy. This necessitates not just the major economic and administrative players being involved, but also citizens, social partners, politicians and other elements of society, i.e. the whole range of parties to be found in a complex border area.
- Any future INTERREG V should not make complex border regions even more complex through the way the programmes are tailored. The current programme tailoring and the administrative and audit requirements in connection with the general provisions of the Structural Funds Regulation are at present leading to an even greater administrative overhead and to more complexity than is already present as a result of the structural circumstances.

## **3.2. WORKSHOP 2: TOURISM AND REGIONAL DEVELOPMENT**

### **3.2.1. BACKGROUND**

In the majority of border regions, tourism is an important economic sector and a major component of their regional development strategies. Border regions tend to have a good potential for touristic development due to their peripheral position. Developing this potential can act as a catalyst for the structural adjustment and development of these regions, and can contribute to development in a number of other fields. In particular:

- Regional economic development: Tourism is often a relatively new area of economic activity in border regions and can promote the diversification of the regional economy;
- Regional labour market development: Tourism is generally employment intensive, and this makes it particularly attractive in terms of job creation potential.
- Infrastructure and facilities development: Modern tourism demands a high quality infrastructure and services including transport networks, public transport and healthcare services
- Investment and business location: The existence of such infrastructure and facilities influences the attractiveness of a region as a location for companies to invest.

The barrier effect of national borders traditionally has had a negative impact on the development of tourism in border regions such that these regions have been unable to fully exploit their tourism potential. General problems related to tourism development in border regions can be summarised as follows:

- the problem of existing or potential conflicts between tourism and other aspects of development, especially in the case of “mass” tourism areas.
- lack of information on the potential strengths of the cross-border region as a whole, to act as a basis for developing diversity of tourism products;
- lack of cross-border contacts and networks between public institutions, counterpart tourism promotion agencies, and other organisations including private companies;
- weaknesses in the transport and economic infrastructure needed to serve tourism development (these include weaknesses in cross-border public transport)
- lack of skills and know-how needed to offer high quality services in tourism businesses in the cross-border region, lack of the market knowledge and skills to inform target markets.
- the perception of strong competition between the area on either side of the border, making cooperation difficult. This perception tends to deny longer-term opportunities.
- Different long-term cost levels due to different purchasing power standards,
- cost level variations due to exchange rate variations (where cross-border regions do not fully belong to the Euro zone or the ERM II, e.g. regions along the Eastern border, Switzerland or in the Mediterranean basin).

### 3.2.2. INTRODUCTORY PRESENTATIONS

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#### *a. Tour.Com – Development of Tourist Competency Centres in European Border Regions*

Ms. Susanne Wagner, Department of Tourism, Regen District Council, Bavaria, Germany, Tourist Service Centre (Euregio bavarian Forest Wald – Bohemian Forest- Lower Inn)

The Regen Tourist Service Centre (TSC) is part of a general strategy for developing tourism in the German-Czech-Austrian border region. The TSC aims to offer different services in a single offering: tourist information, service management and marketing (internal/external).

#### *b. Border-free farm holidays*

Ms. Petra Lauritsch, Carinthia Association for Farm Holidays (ARGE Alps Adriatic)

The "border-free farm holidays" idea in the three-country region shared by Carinthia, Friaul Julisch Venetia and Slovenia is a tool for offering and marketing agricultural tourism. Following the successful completion of an INTERREG I sponsored project, within which a number of marketing activities were initiated, a second project – border-free farm holidays – was developed and implemented. This project fulfils the following objectives:

- Continuing development of the joint marketing effort;
- Establishment and marketing of common tourist products;
- Continued development of a joint website as a platform;
- Further development of the project cooperation;
- Creation of a joint booking system.

The National Farmers' Association is an association of farmers in accordance with the criteria set down for the high-quality product "farm holidays". The main objective is the organisation of professional support and marketing via attractive low-season packages and making the concept of "border-free holidays" known through joint marketing activities. The partners cooperating in this project are the ERSA in Friaul Julisch Venetia and the Slovenia's Association of Tourist Farms.

#### *c. Eifel – Ardennes Marketing EEIG*

Mr. Manfred Dahmen, Tourism Office for the Ostkantone und Mr. Hibbo Tammena, Eifel Ardennes Marketing EEIG (EMR)

The cross border cooperation in tourism between the German Eifel region and East Belgium has been in existence for many years. A number of projects have been realised with the aid of INTERREG. The initiators of the cooperation decided in 2003 to give the project a concrete footing, so that it would be in a position to survive without European funding. This led to the establishment of the EEIG (European Economic Interest Grouping) "Eifel-Ardennes Marketing", a non-profit organisation under German law. The tourism marketing strategy is based on the concept of a "European Top-Destination for Encountering Nature". Potential untapped markets are to be reached with high-quality offerings.

### 3.2.3. COMMON STRUCTURES FOR DEVELOPING TOURISM

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- The creation of common cooperation structures (e.g. bi- and trilateral tourism councils, EEIG, etc.) help promote long-term cooperation going beyond the initiatives of individual persons or individual short-term projects.
- The definition of standardised organisation charts helps promote a better understanding of neighbouring structures.
- Opportunities for players to meet are to be created with the aim of getting to know each other and building networks.
- Learning partnerships help promote common intercultural competencies.
- Lobbying on all levels (players in the tourism sector, political decision-makers, etc.) is important to underline the added value of cross-border cooperation and create an understanding of the special needs of border regions (e.g. with regard to the national funding of joint structures including non-national players).
- Border regions on the new internal EU borders should make use of the opportunities arising from European integration (e.g. Prague as a destination for East Bavarian day-trippers).
- Changes happening too fast bring the danger of creating mental blockades. Cross-border cooperation requires understanding and empathy, as well as the willingness to accept and live change.
- Tourism is a lead sector and a key instrument for regional development. The availability of financial resources and the networking of all relevant players are prerequisites (cf. Austria's Regional Development Agencies).

### 3.2.4. COMMON VISIONS

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- Though getting to know and trust each other takes time, it is an essential requirement for continuing successful cooperation.
- "Less is more": cooperation partners should reach agreement on a selection of common fields of action and topics (definition of interfaces). In doing so, they should concentrate on their unique selling points and further strengthen common regional strengths.
- "Step by step": build on successes achieved in a single area, creating new objectives and including further potential.
- Individual measures should be grouped together, taking programme consistency and political cohesion into account.
- Achieving cohesion through a bottom-up approach is not always easy. It is therefore advisable to execute programmes both bottom-up and top-down.

### 3.2.5. COMMON PRODUCTS

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- The harmonisation of standards is often not possible due to national stipulations and indeed is not always desirable. Complex border regions should therefore seek to progressively attempt at least a degree of harmonisation.
- When defining standards, border regions should start out from the common denominator, though still trying to achieve as high a level as possible.
- Even more important than common standards is the degree to which a visitor can rely on national standards, thus giving fundamental importance to good communication.
- Pooling resources opens up the opportunity of harmonising standards, at least in principle.
- Qualifications and life-long learning is of key importance, especially for service provision (quality assurance over and above formal criteria)

### 3.2.6. JOINT MARKETING

- Cross-border destination monitoring, joint market research or statistics are an essential base for joint plans and the evaluation of any measures. The East Bavarian “tourist barometer” as the base for cross-border market research is one example.
- Good maps are essential marketing instruments.
- Joint booking agencies and contact points create visibility and help promote visitors’ mobility.



### 3.2.7. RECOMMENDATIONS

- Joint structures provide for continuity and engagement beyond the duration of individual projects.
- The presence of common planning documents (e.g. cross-border market research studies), the acceptance of a common vision and the concentration on common fields of action are key prerequisites for successful cross-border cooperation.
- Should the cross border harmonisation of quality standards not be possible, complex border areas should create reliability by making standards transparent and attempting at least a degree of harmonisation.
- With a view to overcoming different framework conditions and support structures, European and national administrative and financing systems should take the needs and opportunities of complex border regions into account.

### 3.3. WORKSHOP 3: PUBLIC TRANSPORT AND SPATIAL DEVELOPMENT

#### 3.3.1. BACKGROUND

For border regions, transport in general and public transport links in particular are seen as a pre-condition for their social, economic and territorial cohesion and also crucial for improving their economic competitiveness and development. Bottlenecks in these links have negative effects on mobility (labour markets, shopping, recreation, tourism, etc.) and on the cooperation between a lot of other stakeholders (e.g. business, R&D institutes and universities). This is especially true for transport links and communication within border areas. In most of the INTERREG programmes transport issues are logically linked to other spatial development issues, because of their clear impact on space but also because of their relation to other issues relevant to economic and social development such as the location of firms, tourism, housing, recreation etc.

The nature of the problems and the state of the art with regard to transport, however, differs strongly between internal border regions in the “old” member states and the former external borders in “new” member states located in Eastern Europe. The first group mentioned have developed – or are busy developing – Euroregional mobility plans or have prepared cross border mobility management concepts (master-plans). This is especially the case in metropolitan areas along the borders between the Netherlands, Belgium, Luxembourg, Germany, France, Austria and Switzerland. In most of these “multi-national” metropolitan areas (especially in the Greater Region Saar-Lor-Lux and the Upper Rhine) the need for more favourable conditions for public transport is strongly felt because of the high levels of cross border commuting in these areas. Besides, these border areas are – or will be – crossed by Trans-European Transport links (roads as well as railways), of which they want to make the best possible use.

Cross border transport infrastructures, however, in the Eastern member states were strongly neglected in the past or – as for instance in railways – were dismantled because of reasons of inefficiency. However, due to the lack of demand infrastructure is only expanded at a minimum level in the often sparsely populated and remote border areas in this part of Europe. These border regions are therefore often confronted with missing links which hampers further economic developments. On the other hand in the more centrally located old member states (Austria and Germany) a broad and qualitatively good condition of the transportation networks at national and regional level with relatively only a few bottlenecks exists. The new member states in these central areas have fast road and railway networks. Generally, there exists a higher density of transport infrastructure in vicinity of the capitals and along corridors linking capitals with EU-15.

#### 3.3.2. INTRODUCTORY PRESENTATIONS

*a. DACH+ / Lake Constance Conference: Spatial development in the Austrian, German, Lichtenstein and Swiss border area*

Mr. Thomas Radke, International Lake Constance Conference

In the past few years cross border cooperation has gained ground. The task of spatial planning is to improve the data and structures necessary for cooperation. The DACH+ project in the Austrian, German, Lichtenstein and Swiss border area will not just be providing geo-information and special indicators but will also serve as a discussion platform for joint spatial development.

*b. EgroNet – A Ticketing System for Public Transport between the Czech Republic and Germany*  
Mr. Micha Leonhardt, Head of Department, Technik/Planung, Verkehrsverbund Vogtland

The cross-border public transport system “EgroNet” linking Bohemia, Bavaria, Thuringia and Saxony was designed and developed in this project. The system has both its transport and environmental objectives and its operator, the Verkehrsverbund Vogtland, was recently awarded an environmental prize. With just one ticket, all public transport can be used for one day, with bicycles carried free-of-charge. EgroNet spans 18 rural districts and towns with 3 million inhabitants. More than 60 public transport companies are involved. This form of transport is used extensively by local inhabitants and visitors to the region. EgroNet is seeing annual ticket sale rises of 10 – 12%.

*c. Public Transport Platform for the Euregio Meuse-Rhine (EMR)*  
Mr. Thomas Clemens, Aachener Verkehrsverbund

The central long-term objective of the public transport platform is the creation of an integrated public transport system for the EMR, with frequent direct cross-border connections by road and rail, attractive end-to-end prices and simple, fast access to information. The principal instrument used to achieve these objectives will be the Euregional Public Transport Plan (“Euregionaler Nahverkehrsplan”). At the same time, a number of minor measures are already being implemented in cooperation with the local partners as part of a crash programme.

*d. EuregioNet*  
Herr Roland Kern, ÖBB Personenverkehr AG

This is a project modelling a private company that takes the initiative and offers cross-border public transport connections (e.g. Vienna – Bratislava, Vienna – Balaton, etc.). Cost effectiveness develops slowly to start with, but improves steadily.

### 3.3.3. REASONS AND OBJECTIVES FOR CROSS-BORDER COOPERATION IN PUBLIC TRANSPORT

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- Cross border cooperation in the public transport sector is a must, given the peripheral position of border regions and daily needs (work, pleasure, etc.). It supports the internal marketing of the border region.
- The cooperation is a tool for the economic development of border regions: a region's accessibility is a key factor for any relocation; it supports the external marketing of the region.
- Fewer traffic jams and a reduced environmental impact lead to an improvement in the quality of life.
- Cross-border transport systems promote tourism and the region's external marketing.
- Last but not least, such systems illustrate the practical benefit of cross-border cooperation in daily use, thereby helping citizens identify themselves with the border region.

### 3.3.4. OPPORTUNITIES AND CHALLENGES

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- Integrated, cross-border approach to spatial planning
- Develop Euregional strategies for transport and mobility management
- Deregulation and privatisation of the sector
- Improvements in the cross-border coordination of infrastructure requirements
- Introduction of common pricing and ticketing systems
- Cross-border marketing and information

### 3.3.5. PROBLEMS OF CROSS-BORDER PUBLIC TRANSPORT

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- Different framework conditions
- Differences in administration and responsibility
- Different objectives
- Technical incompatibilities in such areas as security, traction, electricity, different standards and missing links.
- Language and culture.
- Funding: cross-border links are not always recognised by transport companies as part of their elementary civic duty.
- Pricing
- The combination of public and private carriers.

The main way to solve these problems is to bring all players together in one communication platform (as illustrated by the EMR public transport platform). Getting to know each other and exchanging information on different ways of operating (framework conditions, financial flows, and responsibilities) play a major role.

Experience tells that complex border regions should begin work with small concrete projects, gaining “quick wins”, upon which they can build further measures.

### 3.3.6. APPROACHES FOR SOLVING SUCH PROBLEMS

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- Marketing: Offerings and connections must be advertised on both sides of a border. Multi-lingual information products (such as stickers on buses informing on how to buy tickets) are simple and low-cost, yet very effective.
- Integration via common ticketing and pricing, spatial development concepts or networks
- Lean and flexible structures/platforms for exchanging and communicating information (cf. EMR public transport platform).
- Quick wins: Work progressively towards an objective using existing financial resources. For all participants (experts and citizens) it is more worthwhile to move forward step-by-step rather than wait years for the “big bang”.
- A political objective should exist; but at the same time private companies can take the initiative without political backing (cf. ÖBB)
- There are a number of problems that can only be solved in a middle- or long-term perspective, such as framework conditions or technical incompatibilities.



### 3.3.7. RECOMMENDATIONS

- The initiative should come from the public transport authority itself, but the framework conditions should be created by the Euroregions.
- Euroregions can act as mediators in the process, but do not themselves have any or only limited competency.
- Euroregions can bring the right, competent partners together. However someone must assume overall responsibility, acting as lead partner for the cooperation.
- Euroregions offer the political legitimacy and define a common direction.
- Euroregions take the political decisions as to what will be supported. The execution of cross-border projects is in the hands of the players themselves.
- Euroregions play an important role in connection with INTERREG-A funding. INTERREG can be used for funding marketing activities, but also for the whole process and rail infrastructure.
- The political and financial prerequisites for any cooperation must first be created. Financial resources must follow political ambitions. The infrastructure must be built first of all (political willingness); the demand often only sets in afterwards (cost effectiveness). Practical examples show that very often savings are made in the area of regional near-border connections.
- All political decision-makers must be made aware of the positive effect of an integrated cross-border public transport network for the economy of the whole region. An efficient cross-border public transport network is a decisive factor for company location.
- Private companies can take the initiative without political backing.
- In the quest for practical approaches, direct communication is often better than research studies.



### 3.4. WORKSHOP 4: CROSS-BORDER HEALTHCARE

#### 3.4.1. BACKGROUND

The first attempts to provide cross-border healthcare date back as far as the 1970s, especially along the German-Dutch border and Upper Rhine, but today almost all border regions located on the EU's internal or external borders are concerned with this topic.

The main challenges are as follows:

##### 1) PATIENT MOBILITY

The main bottlenecks hindering increased patient mobility are differences in national legislation and social insurance systems, reimbursement of treatment costs, education levels and languages. Although Member States themselves play the primary role in healthcare issues, the above-mentioned developments contributed to the establishment of practical arrangements to overcome these differences in border regions.

##### 2) WORKING WITH THE SPECIAL CROSS-BORDER SITUATION

Apart from differences in the systems that hamper patient mobility and the provision of emergency services, differences in the qualification levels of medical staff, their working conditions, responsibilities and language problems are obstacles in the development of a cross-border labour market. Furthermore differences in the radio frequencies used by emergency services and in operating plans mean that healthcare services in border regions cannot operate as effectively as in national catchment areas.

By establishing cross-border catchment areas for health services a critical mass can be created by which the increasing costs for these services can be better managed. Opportunities for common financing of these investments should be further investigated, but also common plans could be developed to arrive to an optimal division of particular health services within the sub-regions of a border area.

##### 3) IMPROVED USE OF INNOVATION POTENTIAL

An important instrument for promoting increased cooperation in the health sector in border regions is also formed by intensive collaboration among healthcare-related research institutes, health-related commercial sectors and teaching hospitals/clinics. Here it would also be possible to share the costs of expensive research programmes and the necessary equipment, and to set up common curricula for the education of related professionals. Other benefits mentioned with regard to this theme are<sup>6</sup>:

<sup>6</sup> See also Mr. Jean Severijns' contribution to the AEBR Conference on Healthcare in Basel, 22 February 2008

- Benefiting from each others' knowledge
- Complementary healthcare services
- Synergy in the use of available resources
- Building centres of excellence
- Coordination of research and teaching
- Network for medical education and specialist training

#### 4) PREVENTION

Especially in border regions with a relative high percentage of cross-border commuters as for instance the Euroregions in the Rhine catchment area (e.g. Switzerland, Germany, France), but also in quite densely-populated border areas in which the Schengen border control rules apply, there is a growing concern with regard to prevention measures. These can include such concerns as pandemics, drug addiction as well as lifestyle-related issues. Measures proposed to tackle possible problems in this area mainly involve good communication channels between the main stakeholders and wide-ranging information services to citizens in these regions.

### **3.4.2. INTRODUCTORY PRESENTATIONS**

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#### *a. Cross-border Emergency Services in the Euregio Neiße*

Mr. Gerold Noack, Association of Emergency Services "Schlesische Oberlausitz"

At the end of 2007 a trilateral working group was established in the Euregio Neiße to investigate cooperative emergency services in the region where Poland, the Czech Republic and Germany have common borders. The objective is to reach an agreement on cooperation, to formulate legislative proposals, and to initiate concrete cooperation projects. These projects focus on improving qualifications (e.g. language courses) and on measures for overcoming incompatibilities (e.g. modifications to emergency vehicles). There are still problems in the area of cross-border communications, transport of patients and in professional codes of conduct (the legal provisions for emergency services in near-border areas).

#### *b. Zorg over de grens (Euregio Maas-Rhein)*

Prof. Dr. Jacques Scheres, Universit tshospital Maastricht, coordinator for cross-border healthcare in the Euregio Meuse-Rhine (NL)

The cross-border network "Zorg over de grens" links all relevant players in the health sector together and is the basis for the execution of coordinated activities and planning in the EMR. Concrete projects involve a simplified approval and processing procedure in health insurance companies (for instance "GesundheitsCard International"), cross-border contracts between health insurance companies and hospitals, Euroregional quality assurance, the solution of problems concerning the major differences in MRSA prevalence, Euroregional health reporting and empowering patients. Future challenges involve funding and reimbursement, overcoming language and cultural barriers and the removal of incompatibilities in national legislation.

The EMR's steering group of Public Safety and Catastrophe Protection has also put out a three-language document explaining the differences between the German, Belgian and Dutch legal systems, discussing local cooperation agreements and pointing to deficits.

### 3.4.3. ASSESSMENTS

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- The Euroregions should be provided with increased competencies and be in a position to support local issues without any major administrative overhead.
- The financial base for all cooperation must be established on both sides of the border.
- Funding schemes with little or no co-payment are urgently needed.
- Professional codes of conduct, insurance laws, customs regulations, etc. all require rapid harmonisation.
- National agencies should be more willing to enter commitments, for instance by entering into bilateral agreements.
- National plans and funding schemes must take the special needs of border regions and cross-border cooperation into account.
- The monitoring and evaluation of the development of cross-border patient mobility is a valuable planning base.
- Reliable quality standards are of major importance in cross-border healthcare.
- The Member States are responsible for health policy and the provision of healthcare for their citizens. However there are areas in which individual states cannot work effectively and in which cooperation on a European level is absolutely necessary. Such areas involve cross-border dangers to health (pandemics and bio-terrorism) and questions regarding the free movement of goods, people and services.

### 3.4.4. CONCLUSIONS

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- Problems regarding cross-border healthcare can often be solved within existing European or national frameworks by cross-border arrangements and agreements (cf. GesundheitsCard International in the Euregio Meuse-Rhine).
- Euroregions should start concrete activities on a local or regional level and not wait for “big bang” solutions on a national or European level.
- Euroregions should start with such areas where there is an urgent need for action.
- Successful cross-border cooperation needs people who are willing to commit themselves personally.
- At the same time, strategic partners with access to the necessary technical and expert know-how and resources and with international reputation (such as university hospitals) must be involved.
- Win-win situations on both sides of the border have to be sought and supported.
- Getting to know the partners on the other side of the border and building up trust are major ingredients for subsequent successful cooperation.
- Cooperation partners should not be put off track by any negative experiences.
- Solutions to problems are greatly influenced by local and cultural circumstances.
- Best practices and experiences can best be exchanged with players and regions operating in similar frameworks.
- The European Assembly of Border Regions (EABR) has been working in the area of cross-border

healthcare since 2004. The added value of cross-border cooperation is illustrated by more than 350 best practices and the results of two expert forums. Complex border regions should inform the EABR about any specific problems; so that these can be taken up in the EABR's lobbying work on a European level.

### 3.4.5. RECOMMENDATIONS

- The complex border regions should remain in contact with each other to identify and set down common problems and to undertake concerted actions with respect to individual Member States and the European Commission.
- As the different legal systems are regularly being adapted, structural mechanisms should be developed in the border regions (in addition to listing problems) which are linked to the national level (cf. "Pontifex-Mechanism" of the EMR cross-border commuting task force).
- Border regions should join together more, in order to demand more attention from Member States and Europe, and to gain more flexibility ("positive discrimination") to better overcome their problems.
- Border regions must make it clear that the problems of cross-border healthcare are slowing down the European integration process.
- The negative consequences of missing European integration are most widely felt in border regions.
- Border regions can act as guinea pigs in the development of future health policy.

# 4

## CONCLUSIONS AND PERSPECTIVES

### 4.1. MANAGING COMPLEXITY

The more complex a border region is, the more structured cooperation should be and the greater the commitment. Complexity can be “managed” using commitment and structuring.

Each complex border regions should have a strategic concept, for instance as a common vision, underpinned by sectoral fields of action. The key is to develop a joint view and a common understanding of the complexity and the circumstances in a border region. The existence of joint planning documents, agreement on a common vision and a focus on common fields of action are the main ingredients for successful cross-border cooperation.

Common cross-border structures, rules of conduct and a permanent joint secretariat with dedicated staff are key success factors in cross-border cooperation.

CONTINUE THE EXCHANGE OF EXPERIENCES AND BEST PRACTICES:

- In direct bilateral contact between people and institutions, who have got to know one another at the expert seminar;
- Individual regions should enter into structural, strategic partnerships (best practice/know-how transfer) in connection with structures or individual topics (e.g. establishment of an EGTC programme or cross-border tourism structures).

WORK ON TWO LEVELS: “QUICK WINS” AND LONG-TERM, STRUCTURAL WORK ON INCOMPATIBILITIES

## 4.2. PUT COMPLEX BORDER REGIONS ONTO THE MAP

With regard to removing obstacles caused by different frameworks and support structures, European and national funding and administrative systems should take the needs and opportunities of complex border regions more into account.

Future Structural Funds programmes should avoid adding complexity to complex border regions. Current programme tailoring and the requirements resulting out of the general Structural Funds Regulation for administrative and audit systems, are at present leading to even more administrative overhead than is already the case due to the structural circumstances.

In particular in these times of increasing globalisation, cooperation in border regions is a key factor in maintaining regional diversity, strengthening regional identity and making Europe an exciting place to live in.

### JOINT LOBBYING:

- Within the Committee of the Regions (CoR), e.g. by setting up an interregional group of complex border regions
- Intensified collaboration within the EABR
- Pilot project of the cross-border commuting taskforce on interregional networking
- Joint events
- Euronews pilot film on complex border regions (summer 2008)

### **4.3. COMPLEX BORDER REGIONS AS TEST-BEDS FOR CROSS-BORDER COOPERATION IN EUROPE**

Complex border regions are mirrors of the whole spectrum of problems, perspectives and opportunities for action existing at present in Europe. On examining these regions, one can find in a concentrated form everything existing elsewhere in any border region.

A network of complex border regions offers itself as an opportunity, not just for those immediately involved but also for those who want to define European politics, to discover everything to do with cross-border issues within a compact circle of border regions.

The complex border regions should remain in contact with each other, in order to identify and set down common problems and to undertake common concerted actions vis-à-vis the Member States and the European Commission.

As the different legal systems are regularly being adapted, structural mechanisms should be developed in the border regions (in addition to listing problems) which are linked to the national level.

“Positive discrimination” should be used to give complex border regions more flexibility, helping them to better overcome their problems.

- JOINT LOBBYING
- REPORT OF THE EUROPEAN COUNCIL ON THE CURRENT STATUS OF CROSS-BORDER COOPERATION IN EUROPE
- RECOGNITION AS TEST-BEDS



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